

SOUTHWEST SUBURBS POLICIES AND PROCEDURES FOR PUBLIC ACCESS PLAYBACK

1. OPERATING GUIDELINES

1.1 The Southwest Suburban Cable Commission ("SWSCC") consists of the following Member Cities: Eden Prairie, Edina, Hopkins, Minnetonka and Richfield. Residents of the Member Cities are allowed to submit programming for cablecast on the public access channel carried on Comcast's cable system serving the Member Cities.

1.2 Pursuant to an agreement which currently extends year to year between the SWSCC and the City of Bloomington, Minnesota, residents of the Member Cities are allowed to utilize the City of Bloomington's studio and editing facilities, including portable field equipment, consistent with applicable rules and procedures adopted by the City of Bloomington, to produce public access programming. The SWSCC reserves the right at any time to terminate its agreement with the City of Bloomington and no longer provide public access studio or editing equipment.

1.3 The City of Bloomington will assist SWSCC public access producers ("Producers") to prepare a DVD or other similar video product of their program which Producers can take with them.

1.4 The City of Edina is the designated playback facility for the SWSCC and its Member Cities. All public access programming must be submitted to the Edina Playback Facility ("EPF") in order to be cablecast on the public access channel.

1.5 Public access programming produced at the Bloomington facility may be transmitted to the EPF for cablecast on the SWSCC cable system operated by Comcast.

1.6 Unless required by the Minnesota Data Practices Act or other applicable state and federal law, EPF will not release a Producer's program nor any portion of the program without written permission of the Producer.

1.7 EPF will not exercise editorial control over the content of any Producer's program. EPF does not assume responsibility for viewing programs. All program content is the responsibility of the Producer. Any program will be cablecast unless it is known that it violates parts (a) and/or (b) below.

(a) Access channels may not be used for the presentation or production of material designed to promote the sale of commercial products or services or the dissemination of any information in contravention of Section 4 (Sponsorship) or directly or indirectly involving

lotteries as defined in Section 76.213 of the Rules of the Federal Communications Commission.

(b) Federal law provides that any person who transmits obscene programming or programming unprotected by the Constitution over cable systems may be fined and imprisoned. Moreover, Producers may be subject to federal, state, and local laws regarding libel, slander, obscenity, incitement, invasions of privacy, copyright or other similar laws. The access channels may not be used to present material which violates federal, state, or local law.

(c) Violations of Section 1.7 (a)-(b) may result in cancellation of the Producer's program, or in the case of repeated violations of this policy, suspension of the privilege of the Producer to use access facilities, equipment and channels, in accordance with the procedures set forth in Section 2.

2. VIOLATIONS

2.1 If EPF determines that a Producer's program violates Section 1.7 or any of the other rules set forth herein, the EPF shall: (a) notify the Producer of the violation; and (b) may suspend access privileges as required to prevent further violations of the policies. If the EPF suspends the Producer's access privileges on a temporary or permanent basis, the EPF shall: (a) immediately notify the Producer in writing, explaining the reason for the suspension and the process for appeal; and (b) shall inform the SWSCC of the action taken. Any Producer may appeal a notice of violation or suspension by appealing to the SWSCC at its next regularly scheduled commission meeting. The SWSCC currently meets only twice annually in the spring and fall each year. The SWSCC may delegate the responsibility for the conduct of the hearing to its manager's committee or to another committee appointed by the SWSCC. The SWSCC shall provide the Producer the opportunity to offer any relevant information and will issue a decision on the appeal within forty-five (45) days of the conduct of the appeal. If a Producer appeals a suspension of access privileges, the suspension will remain effective until the SWSCC issues its decision on the appeal.

2.2 Any Producer found to have violated Section 1.7 (a) may be required to compensate EPF for commercial use of the channels at a rate equal to one and one-half (1-1/2) times the prevailing commercial rate for use of similar channels to be decided by EPF in its sole discretion.

2.3 In the event these rules are violated, the Producer(s) involved in the production of a program, by virtue of using the access channels pursuant to these rules, shall be deemed to have transferred all rights, including copyright, in the resulting program exclusively to EPF for purposes of distribution, reproduction, sale, or display or any other use by any medium, which rights shall

re-transfer when and if the Producer(s) involved in the production of the program pay(s) all amounts owed to EPF under this section.

3. PRODUCER RESPONSIBILITY - GENERAL

3.1 A Producer must submit a Cablecast Request Form and completed program to the EPF when reserving channel time.

3.2 Producer will bear full responsibility for all program content. Producer will assume responsibility to obtain all necessary rights to program production materials. This includes all necessary literary, artistic, intellectual, performing, and music rights as well as all necessary clearances from the owners or licensees of such material. Producer must be able to document, in writing, that the cablecasting of such material does not violate the rights of a third party, including the privacy rights of a third party. Each Producer (or the parent or guardian of any Producer who is a minor) shall sign an agreement accepting responsibility for program content at the time the Producer reserves time on the channel.

3.3 Programming, between the hours of 5:00 a.m. and 11:00 p.m., shall never include:

- (a) Indecent material; or
- (b) Profane speech.

Producers are encouraged to schedule any programming containing mature content after 11 p.m. EPF staff are neither qualified nor permitted to advise Producers about the legality of program content. EPF's response to individuals with complaints about program content may include, but is not limited to, referral to the office of the County Attorney when a program is alleged to be obscene or otherwise illegal.

3.4 The Producer shall indemnify and hold harmless the EPF, SWSCC, the Member Cities and the franchised cable operator(s) serving the Member Cities of the SWSCC from and against any damages, liabilities, and costs of any nature including attorney fees and disbursements arising out of or resulting from any action related in any way to Producer's use of the access channels. This includes, but is not limited to, any damages and liabilities and costs which may arise as a result of Producer's failure to abide by the Southwest Suburbs Policies and Procedures for Public Access Playback. Each Producer (and any parent or guardian of any Producer who is a minor) shall sign an indemnity agreement at the time the Producer reserves time on the access channel.

4. DROP OFF AND PICKUP PROCEDURES

4.1 Submitted programming for SWSCC should be of good technical

quality. Bars, tone, slate, and channel logos are not required for any program submission. Three seconds of slug must be added to the end of each program and incorporated into the program's run time.

4.2 DVD Submission

Standard Definition DVDs encoded with MPEG2 video and Dolby Digital audio are the only physical media accepted for playback on the public or education channels. Protect your media by dropping it off in a jewel case or DVD sleeve.

All DVDs must be in the possession of the EPF's Community Television Administrator ("Administrator") at least three business days prior to cablecasting. Programs airing on weekends must be dropped off at Edina City Hall by noon the preceding Wednesday.

If DVDs are dropped off without completed Cablecast Request Forms or unclaimed from the self-service Access Producers' area at the EPF more than 30 days after playback, the Administrator will make a reasonable attempt to contact the producer. Thereafter, the media may be discarded and the Producer shall have no recourse against the Administrator, EPF, SWSCC or its member cities.

Up to 6 DVDs may be submitted at a time. A Producer may fill out one Cablecast Request Form per batch submission provided that the episode title, number, or record date as well as its total run time is listed on the form.

DVDs left on the Pick-Up shelf in the Producers' Self-Service area will be disposed of quarterly.

4.3 Submission Via File Upload

Programming may also be uploaded to the EPF's dedicated server, <https://swtv.EdinaMN.gov>, via a unique username and password. Usernames and passwords can be requested from the Administrator. Usernames should be at least 4 characters long while passwords should be 6–10 characters.

Files submitted must be in the possession of the Administrator by noon a day prior to cablecasting. Programs airing on the weekends need to be submitted by noon Friday.

The following file formats are acceptable for online submission:

- **MPEG2**
File extension: .mpeg, .mpg | Frame size: 720x480 | Frame rate: 29.97 |
Audio Codec: MP2, PCM | Audio Sample Rate: 44.1 Khz, 48 Khz
- **H.264**

File extension: .mov, .mp4 | Frame size: 720x480 | Frame rate: 29.97 |
Audio Codec: AAC-LC | Audio Sample Rate: 48 Khz

To ensure minimum video quality, files should be encoded with at least a 4Mb bitrate.

Media files should be named according to the following convention:

ProgramTitle_EPISODE OR DATE FILMED_DATE OF SUBMISSION. (Example: PublicAccessTalkShow_029_011313)

There is currently no limit to how many files may be uploaded at one time. A Producer may fill out one Cablecast Request Form per batch of files submitted provided that the episode title, number, or record date as well as its total run time is listed on the form.

In the event that a media file submission does not conform to the specifications, playback times may be missed for that particular episode until the issue is resolved. A reasonable attempt to contact the Producer will be made prior to the playback time for that particular episode.

4.4 Mail

Media can be mailed to the Community Television Administrator at Edina City Hall, Communications & Technology Services Department, 4801 W. 50th St., Edina, MN 55424. If you would like media returned to you via mail, include a self-addressed, stamped envelope. Otherwise, media will be left in the area set aside for access producers outside the Communications & Technology Services Department on the first floor of City Hall.

4.5 Cablecast Request Form

DVD and electronic program submissions should be accompanied by a Public Cablecast Request Form. Paper forms are available in the producers' self-service area and web forms are available online at www.EdinaMN.gov/swtv. Web forms get e-mailed directly to the Community Television Administrator. DVD or electronic program submissions should shortly precede or follow the online form submission. Paper forms can be faxed to 952-826-0389.

Educational Producers may fill out an Educational Cablecast Request Form.

New and non-series producers should fill out the 'Contact Information' section of this form completely. Existing series producers can fill out 'Submitted Name' and 'Date,' completing the rest of the section only as contact information changes.

4.6 Hours and Location

Hours for DVD drop-off are 7:30 a.m. to 8 p.m. Monday through Friday. All media should be brought to Edina City Hall, 4801 W. 50th St., and left in the producers' self-service area outside of the Communications & Technology Services Department. Note that Edina City Hall closes at 4:30 p.m. Producers dropping off media after 4:30 p.m. can only access the building via the entrance off of Eden Avenue.

Any questions or concerns regarding programming, scheduling or playback should be directed to the Administrator.

4.7 Media Pickup

Programs submitted on DVD that air within a given month will be left for pickup in the Producers' Self-Service area by the first business day of the following month. Programs submitted electronically will be deleted from the FTP server in the same manner.

5. SCHEDULING OF PROGRAMMING AND FREQUENCY OF PLAYBACK

5.1 Requests for channel time may be made up to six (6) weeks in advance and up to four (4) cablecasts per week for producers residing in the cities of Eden Prairie, Edina, Hopkins, Minnetonka, or Richfield. Non-resident producers are permitted up to three (3) cablecasts per week.

5.2 Series programming can be established on a weekly, bi-weekly, or monthly basis. Series time slots will be ½ hour, 1 hour, or 2 hours in length not to be underutilized by more than 15 minutes. EPF reserves the right to require programming over 3 hours in length to be presented in series segments of up to 3 hours each. Programs in excess of their time slot will be cut short to fit that time slot.

5.3 Short form programming will be accepted for broadcast. Short form programming does not exceed 15 minutes per episode and can be scheduled within a regular series time slot provided that more than one episode is submitted simultaneously whose combined runtime utilizes one of the series time slots as described in 5.2. Standalone short form episodes will be scheduled at EPF's discretion.

5.4 Public Service Announcements may be submitted for broadcast. PSAs will not be issued a regular time slot, but will be added to the SWTV video bulletin board rotation. PSAs will otherwise be scheduled at the discretion of EPF staff.

5.5 Series programming will be scheduled in the same manner as all other programming, on a non-discriminatory first-come, first-served basis contingent upon the availability of channel time.

5.6 Regularly scheduled series time slots may be allocated at the discretion of EPF staff. If a series Producer fails to submit new programs for more than two (2) consecutive scheduling cycles, the remaining portion of the series may be reassigned at the discretion of the EPF.

5.7 EPF will not retain more than the most current episode in a series plus the previous two episodes on its cablecast system. EPF will not retain standalone programming on its cablecast system longer than six months.

5.8 Programs accepted for cablecasting will be cablecast at least once, unless it is known that a program violates Section 1.10. EPF reserves the right to cablecast any program more than one (1) time.

5.9 The Cablecast Request Form must be signed for all programs to be scheduled for cablecasting.

5.10 EPF will attempt to satisfy requests for the cablecast of programs at specific times on specific dates, depending on the availability of equipment and channel time. EPF reserves the right, however, to schedule programs at the discretion of the staff.

5.11 The use in a monopolistic manner by one (1) or a few selected groups or individuals is not deemed to be in the public interest, nor is the domination of one type of programming over another. Channel use limitations may be applied in cases where the public interest in diversity of programming is not being maintained.

5.12 With the exception of series program, no program will be scheduled until it has been completed. Exceptions may also be made when the timeliness of a program is essential. A request for waiver of this requirement should be made at least one (1) week in advance by contacting the Administrator. The Administrator may require Producers seeking a waiver to complete a written form to facilitate consideration of the waiver request.

5.13 Any locally produced program will be scheduled once for cablecast on the channel designated for local programming. Additional cablecasts may be scheduled at the discretion of staff and based on the availability of channel time.

5.14 A locally produced program is produced using the City of Bloomington's studio and editing facilities, including portable field equipment, or is produced by a resident or organization located in one (1) of SWSCC's Member Cities.

5.15 With the exception of programs produced by the Member Cities,

State of Minnesota and Hennepin County, all other programs will be considered non-local and may be scheduled at the discretion of staff and based on the availability of channel time. Locally produced programming shall be given scheduling preference over non-local programming in the sole discretion of staff.

5.16 The following guidelines will be used in scheduling non-locally produced programming:

(a) a resident of one (1) of the SWSCC Member Cities must sign all requests for the cablecast of non-locally produced programs. Resident sponsorship will be reviewed every year.

(b) All producers of non-locally produced programming must submit an Outside Production Tracking Form for each submitted program. Forms should be resubmitted annually or upon a change in program sponsor, program sponsor address, or producer address.

(c) Requests for the cablecast of non-locally produced programming will be filled on a first-come, first-served basis. Regularly scheduled series time slots may be allocated at the discretion of the EPF staff. If new programs or the series are not submitted prior to the scheduled cablecast date, the remaining portion of the series time may be reassigned at the discretion of the staff.

(d) Informational programs produced by public agencies may be exempted from these guidelines.

5.17 All programs submitted for cablecast must be clearly labeled on the media and the case with the name of the program; the exact length (in hours, minutes and seconds); the name, address and telephone number of the person requesting cablecast; and any special instructions.

5.18 Playback hours are from midnight to 11:59 p.m. Monday–Sunday.

6. ADVERTISING AND SPONSORSHIP

6.1 Advertising is the action of describing or presenting a commercial product, idea or business in order to induce individuals to buy, support or approve of it. Advertising is not permitted on the public access channel.

6.2 Sponsorship is defined as goods, services, or grants in aid of production provided to a program producer by a third party. Failure to follow sponsorship guidelines set forth in this Section 5 will result in the program being withdrawn from channel playback. Sponsorships must meet IRS Guidelines. See Addendum to this Section 5 “IRS Sponsorship Guidelines.”

6.3 An acknowledgment of sponsorship may be made at the beginning and/or end of the program as long as such acknowledgments do not exceed 30 seconds per program. The acknowledgement should be a voiceover with slate and can feature sponsor logo(s). The acknowledgment shall be stated as follows: "Special Thanks To (name of sponsor)" for (goods, services, or support provided); or "(Title of Program) is made possible by a grant from (name of sponsor(s));" or "(Title of Program) is brought to you by (name of sponsor)."

6.4 Programming Guidelines for acknowledgments at the beginning or end of access programs:

(a) All acknowledgments at beginning or end of program, or during natural breaks if the program is over one hour.

(b) Maximum of 60 seconds per half hour of programming.

(c) No more than 20 seconds for one sponsor acknowledgment.

(d) No more than 60 seconds before or after a single program.

6.5 EPF may require a set amount of program time to be reserved for sponsor acknowledgments or promotions (10 seconds per half hour of programming).

(a) Format for acknowledgments on Channel 15:

1. Sponsor Acknowledgments or Promotions
2. Disclaimer "Producer is responsible for content of program"
3. Producer Sponsor Acknowledgments
4. Program
5. Credit Roll
6. Producer Sponsor Acknowledgments

(b) Natural break examples:

1. Intermission, dead air, and between quarters or periods

6.6 Any Producer who produces a program concerning a service or product which the Producer sells commercially or which the Producer has a direct or indirect financial interest in promoting may not mention the cost of the product or service, where or how it may be purchased, or include an acknowledgment for any business which offers the product or service in which the Producer has a direct or indirect financial interest.

7. POLITICAL PROGRAMMING

7.1 Requirements for broadcast licensees and cable operators under the Communications Act and Federal Communications Commission (FCC) rules related to political broadcasting aimed at ensuring fair and reasonable access by political candidates are not applicable to PEG (public, educational and governmental) access channels. Therefore, the SWSCC shall treat political programming no differently than any other programming that appears on the public access channel, with four important exceptions:

(a) EPF shall not make any special scheduling changes on its channel, including the cancellation or preemption of regularly scheduled programming in order to accommodate programming that favors or opposes any candidate for public office.

(b) EPF shall not air programming that favors or opposes any candidate for public office on the day of an election for that office.

(c) Political programming must carry the following or similar advisory notice: "The content and opinions presented in this program are not those of the Southwest Suburban Cable Commission or its Member Cities and this television channel." The notice shall be provided on both video and audio tracks prior to the start of the program and at the end of the program for a minimum of 15 seconds on each occurrence but no more than 60 seconds. All text shall be easily discernible in a legible font and font size. The amount of time used for displaying a notice shall count toward the total running time of the program.

(d) SWSCC and EPF, including its officers, directors, agents and staff, may not directly or indirectly participate in, or intervene in, the production of any political programming to appear on the SWSCC access channels. This prohibition is not intended to restrict free expression on political matters by individuals who are members of the SWSCC or staff and who are clearly speaking for themselves, as individuals. To avoid potential attribution of their comments outside of organization functions and its media sources, these persons who speak or write in their individual capacity shall clearly indicate that their comments are personal and not intended to represent the views of SWSCC or EPF.

Addendum to Section 5

IRS SPONSORSHIP GUIDELINES

OK	NOT OK
<ul style="list-style-type: none">• Logo/Slogan (Logo or slogan that is an established part of the sponsor's identity is NOT considered to contain comparative or qualitative descriptions)	<ul style="list-style-type: none">• Promote the sponsor's products, services, and/or facilities
<ul style="list-style-type: none">• Sponsor Locations	<ul style="list-style-type: none">• Comparative or qualitative descriptions of products, services, facilities, or company
<ul style="list-style-type: none">• Sponsor Telephone Numbers	<ul style="list-style-type: none">• Price information or other indications of savings/value
<ul style="list-style-type: none">• Value-neutral descriptions including display, visual depictions of sponsor's product line or services	<ul style="list-style-type: none">• Call to action
<ul style="list-style-type: none">• Brand/trade name product or service listings	<ul style="list-style-type: none">• Endorsement
	<ul style="list-style-type: none">• Inducement to buy, sell, rent or lease product or service. (Distribution of the sponsor's product to the general public at the sponsored event is <i>NOT</i> considered "inducement")

PUBLIC ACCESS CHANNEL CABLECAST REQUEST FORM

CONTACT INFORMATION

Submitter's Name: _____ Date: _____

Address: _____

City: _____ State: _____ Zip: _____

Home Phone: _____ Cell Phone: _____ Email: _____

Preferred method of contact: ☐ Home Phone ☐ Cell Phone ☐ E-mail ☐ Text message

Best time of day to contact you: _____

PROGRAM INFORMATION

Program Title: _____ Length:

:	:
---	---

HRS:MIN:SEC

Series? ☐ If Checked, Program #: _____ Stop Date? ☐ If Checked, final date for playback: _____

Check Media Submission Type: ☐ Electronic File Transmission ☐ DVD

Permission for Edina Playback Facility to *repeat* program: ☐ YES ☐ NO

Check the following disclaimers that apply to your program: ☐ Has a mature theme ☐ Contains adult language ☐ Depicts violence ☐ No disclaimer necessary

May we feature your program on our website, www.EdinaMN.gov? ☐ YES ☐ NO

If "yes," please provide a brief description of your program for use on our website.

Statement of Responsibilities:

I have read, understand and agree to comply with Southwest Suburbs Policies and Procedures for Public Access Playback.

I accept full responsibility for all program content and for all claims arising out of the cablecasting of any program I am presenting. I agree to indemnify and hold harmless the City of Edina, identified as "Edina Playback Facility" in the policies and procedures, and its directors, officers, agents and staff; SWSCC, its Commissioners, officers, agents and staff; and Comcast against any such claims arising out of the program I submit or any breach of this statement of compliance.

Furthermore, I understand that I may be subject to federal, state, and local laws regarding libel, slander, obscenity, incitement, indecency, unlawful activities, invasions of privacy, copyright or other similar laws.

Program Submitted by: _____ **Date:** _____

(Please Sign)

Program Producer (if other than Submitter): _____

Address: _____ **Phone:** _____

City: _____ **State:** _____ **Zip:** _____ **Email:** _____

OUTSIDE PRODUCTION TRACKING FORM
Compliance and Cablecast Request

Producer Name: _____ Date: _____

Phone Number: _____ E-mail: _____

Production Title: _____ Episode: _____

Program Description: _____

Filename of Media: _____ Length: _____

:	:
:	:

HRS:MIN:SEC

Production Facilities Used: _____

Requested Playback Date/Time*: _____

From: _____ To: _____

Resident Making Request: _____

Address: _____

City: _____ State: _____ Zip Code: _____

RESIDENT SIGNATURE

DATE

I have read and understand the Southwest Suburbs Policies and Procedures for Public Access Playback.

DO NOT SUBMIT MASTER COPIES FOR PLAYBACK

The SWSCC and City of Edina are not responsible for any damaged or lost media.

**We will do our best to accommodate your requests for playback, though playback is scheduled on a first come, first served basis.*